

ASSEMBLY BILL

No. 953

Introduced by Assembly Member Ammiano

February 22, 2013

An act to amend Sections 21060.5, 21068, and 21100 of the Public Resources Code, relating to the California Environmental Quality Act.

LEGISLATIVE COUNSEL'S DIGEST

AB 953, as introduced, Ammiano. California Environmental Quality Act.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA defines “environment” and “significant effect on the environment” for its purposes. CEQA requires the EIR to include a detailed statement setting forth specified facts.

This bill would revise those definitions, as specified. This bill would additionally require the lead agency to include in the EIR a detailed statement on any significant effects that may result from locating the proposed project near, or attracting people to, existing or reasonably foreseeable natural hazards or adverse environmental conditions.

Because the lead agency would be required to undertake this additional consideration, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21060.5 of the Public Resources Code
2 is amended to read:

3 21060.5. "Environment" means the physical conditions ~~which~~
4 *that exist within the area which that will be affected by a proposed*
5 *project, including land, air, water, minerals, flora, fauna, noise,*
6 *objects of historic or aesthetic significance, as well as the health*
7 *and safety of people affected by the physical conditions at the*
8 *location of a project.*

9 SEC. 2. Section 21068 of the Public Resources Code is
10 amended to read:

11 21068. "Significant effect on the environment" means a
12 substantial, or potentially substantial, adverse change in the
13 environment. *"Significant effect on the environment" includes*
14 *exposure of people, either directly or indirectly, to a substantial*
15 *existing or reasonably foreseeable natural hazard or adverse*
16 *condition of the environment.*

17 SEC. 3. Section 21100 of the Public Resources Code is
18 amended to read:

19 21100. (a) All lead agencies shall prepare, or cause to be
20 prepared by contract, and certify the completion of, an
21 environmental impact report on any project which they propose
22 to carry out or approve that may have a significant effect on the
23 environment. Whenever feasible, a standard format shall be used
24 for environmental impact reports.

25 (b) The environmental impact report shall include a detailed
26 statement setting forth all of the following:

27 (1) All significant effects on the environment of the proposed
28 project.

(2) In a separate section:

(A) Any significant effect on the environment that cannot be avoided if the project is implemented.

(B) Any significant effect on the environment that would be irreversible if the project is implemented.

(3) Mitigation measures proposed to minimize significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy.

(4) Alternatives to the proposed project.

(5) The growth-inducing impact of the proposed project.

(6) *Any significant effects that may result from locating the proposed project near, or attracting people to, existing or reasonably foreseeable natural hazards or adverse environmental conditions.*

(c) The report shall also contain a statement briefly indicating the reasons for determining that various effects on the environment of a project are not significant and consequently have not been discussed in detail in the environmental impact report.

(d) For purposes of this section, any significant effect on the environment shall be limited to substantial, or potentially substantial, adverse changes in physical conditions—~~which~~ *that* exist within the area as defined in Section 21060.5.

(e) Previously approved land use documents, including, but not limited to, general plans, specific plans, and local coastal plans, may be used in cumulative impact analysis.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.